

**2007 DRAFTING REQUEST****Assembly Amendment (AA-ASA1-SB40)**Received: **06/28/2007**Received By: **gmalaise**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6.9919**By/Representing: **Dyck**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:****LFB:.....Dyck -**

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**Topic:****Prevailing wage on construction projects**

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/28/2007	jdyer 06/29/2007		_____			
/1			nnatzke 06/29/2007	_____	cduerst 06/29/2007		

FE Sent For:

&lt;END&gt;

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/?	gmalaise	1/28 jld	nwn 6/29	nwn/RS 6/29			

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Dyck, Jon  
**Sent:** Thursday, June 28, 2007 9:09 AM  
**To:** Gary, Aaron; Balinsky, Brett  
**Subject:** more transportation items

Here are the new items that we received:

**PROCEDURE FOR ELIMINATING TRANSPORTATION FUND DEFICIT**

Require DOT, whenever it is determined that a projected biennium-ending budgetary deficit in the transportation fund exceeds \$30,000,000, to develop a plan to eliminate the projected deficit by reducing all SEG appropriations, other than those for debt service, as equitably as reasonable. Require the Department to submit the plan to the Joint Committee on Finance for approval under a 14-day passive review process.

**JOINT COMMITTEE ON FINANCE REVIEW OF ALLOTTMENT  
ADJUSTMENTS TO DEPARTMENT OF TRANSPORTATION FEDERAL  
APPROPRIATIONS**

Prohibit the Department of Administration from approving an allotment adjustment to DOT's FED appropriations unless the adjustment is approved by the Joint Committee on Finance under a 14-day passive review process.

**MAJOR HIGHWAY DEVELOPMENT PROJECT PROGRESS REPORT**

Require DOT, beginning on February 1, 2008, and every February 1 thereafter, to include in its semi-annual report on the cost of all enumerated major highway development projects an updated project schedule for all projects, showing the funding required by year for each project.

**APPLICABILITY OF PREVAILING WAGE PROVISIONS TO CERTAIN  
HIGHWAY CONSTRUCTION CONTRACTS**

Modify a current law prevailing wage provision that exempts truck drivers in the business of delivering mineral aggregate from a fixed place of business to a highway improvement project work site to specify that such exemption applies unless the mineral aggregate is immediately incorporated into the work at its final location of placement directly or through spreaders from the transporting vehicle, without the need to pick up and move the material to the location at which it will be incorporated into the work. Under current law, the exemption applies unless the mineral aggregate is to be immediately incorporated into the work, and not stockpiled or further transported by truck, by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

[On this one, we received some sample draft language. The requesters are obviously trying to accomplish something very particular, which I believe has something to do with a recent court decision. Here's the language, but Gordon may have more insight into this:

Amend 103.50(2m)(b)1. as follows:

The laborer, worker, mechanic or truck driver is employed to go to the source of mineral aggregate such as sand, gravel or stone ~~that is to be immediately~~

66.0903  
(4)(b)1.

103.49  
(2m)(b)1.

103.50  
(2m)(b)1.

incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate and deliver that mineral aggregate to the site of a project that is subject to this section by depositing the material substantially in place and immediately incorporating the material into the work at its final location of placement, directly or through spreaders from the transporting vehicle, without the need to pick up and move the material to the location at which it will be incorporated into the work. *not final*  
*of placement*

Frankly, I'm not even sure I've correctly reflected the effect in my summary.]

#### CONSTRUCTION PROJECT ON USH 14 IN THE VILLAGE OF OREGON

*AC*  
Require DOT to do a reconstruction project, during the 2007-09 biennium, in the Village of Oregon in Dane County on USH 14 between CTH MM and STH 138 involving the replacement of the pavement and the construction of an additional lane in each direction.

#### PROHIBIT CONSTRUCTION OF A TRUCK WEIGH STATION IN THE VILLAGE OF ROCKLAND

*BAB*  
Prohibit DOT from constructing or locating a truck weight enforcement facility in or adjacent to the Village of Rockland in La Crosse County.

Finally, Aaron, the truck permit item that we spoke about is on hold for now, but it may come in later. They want the non-divisible provision to apply to "inter-modal containers used in the import and export of agricultural & human & animal food products." That's literally what it says. I suppose that could mean almost anything. Bags of Meow Mix? Doritos?

**Jon Dyck**  
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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0924/?

GMM:.....

①  
JL

LFB:.....Dyck - Prevailing wage on construction projects

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2007 SENATE BILL 40**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 839, line 20: after that line insert:

3 "SECTION 1903c. 66.0903 (4) (b) 1. of the statutes is amended to read:

4 66.0903 (4) (b) 1. The laborer, worker, mechanic, or truck driver is employed

5 to go to the source of mineral aggregate such as sand, gravel, or stone that is to be

6 immediately incorporated into the work, and not stockpiled or further transported

7 by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the

8 site of a project that is subject to this section by depositing and immediately

9 incorporating the material substantially in place into the work at the final location

10 where the material is to be incorporated into the work, directly or through spreaders

1 from the transporting vehicle, without the need to pick up and move the material to  
2 that final location." ✓

History: 1971 c. 154, 307; 1973 c. 181; 1977 c. 29; 1985 a. 159; 1989 a. 56, 228; 1991 a. 316; 1993 a. 112, 399; 1995 a. 27 ss. 3318, 3319, 9130 (4); 1995 a. 215; 1997 a. 3, 35; 1999 a. 70; 1999 a. 150 s. 335; Stats. 1999 s. 66.0903; 1999 a. 186 ss. 51 to 60.

3 **2.** Page 1221, line 24: after that line insert:

4 ✓ "SECTION 2649h. ✓ 103.49 (2m) (b) 1. of the statutes is amended to read: ✕

5 103.49 (2m) (b) 1. The laborer, worker, mechanic, or truck driver is employed  
6 to go to the source of mineral aggregate such as sand, gravel, or stone that is to be  
7 ~~immediately incorporated into the work, and not stockpiled or further transported~~  
8 ~~by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the~~  
9 site of a project that is subject to this section by depositing and immediately  
10 incorporating the material substantially in place into the work at the final location  
11 where the material is to be incorporated into the work, directly or through spreaders  
12 from the transporting vehicle, without the need to pick up and move the material to  
13 that final location. ✓

History: 1983 a. 27; 1985 a. 159; 1985 a. 332 ss. 141, 142, 253; 1987 a. 403 s. 256; 1989 a. 228; 1993 a. 112; 1995 a. 27, 215, 225; 1997 a. 35; 1999 a. 70; 1999 a. 150 ss. 628, 672; 1999 a. 167; 2001 a. 16, 30; 2005 a. 335.

14 **SECTION 2649j.** ✓ 103.50 (2m) (b) 1. of the statutes is amended to read:

15 103.50 (2m) (b) 1. The laborer, worker, mechanic, or truck driver is employed  
16 to go to the source of mineral aggregate such as sand, gravel, or stone that is to be  
17 ~~immediately incorporated into the work, and not stockpiled or further transported~~  
18 ~~by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the~~  
19 site of a project that is subject to this section by depositing ✓ and immediately  
20 incorporating the material substantially in place into the work at the final location  
21 where the material is to be incorporated into the work, directly or through spreaders

1 from the transporting vehicle, without the need to pick up and move the material to  
2 that final location.". ✓

**History:** 1977 c. 29 s. 1654 (8) (c); 1979 c. 269; 1985 a. 332 ss. 143, 144, 253; 1989 a. 228; 1993 a. 492; 1995 a. 215, 225; 1997 a. 3, 35; 1999 a. 70; 1999 a. 150 ss. 629, 672; 2001 a. 30.

3 **3.** Page 1666, line 8: after that line insert:

4 (7) <sup>d</sup>PREVAILING WAGE ON HIGHWAY PROJECTS. ✓ The treatment of section 103.50  
5 (2m) (b) 1. of the statutes first applies to a ✓ laborer, worker, mechanic, or truck driver  
6 who is affected by a collective bargaining agreement that contains provisions that  
7 are inconsistent with section 103.50 (2m) (b) 1. ✓ of the statutes, as created <sup>e affected</sup> by this act,  
8 on the day on which the agreement expires or is extended, modified, or renewed,  
9 whichever occurs first." ✓

10 **4.** Page 1667, line 8: after that line insert:

11 (3) <sup>d</sup>PREVAILING WAGE ON STATE AND MUNICIPAL PROJECTS. ✓ The treatment of  
12 sections 66.0903 (4) (b) 1. and <sup>Δ</sup>103.49 (2m) (b) 1. ✓ of the statutes first applies to a  
13 laborer, worker, mechanic, or truck driver who is affected by a collective bargaining  
14 agreement that contains provisions that are inconsistent with section 66.0903 (4) (b)  
15 1. or <sup>Δ</sup>103.49 (2m) (b) 1. ✓ of the statutes, as created <sup>e affected</sup> by this act, on the day on which the  
16 agreement expires or is extended, modified, or renewed, whichever occurs first." ✓

17

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0924/1  
GMM:jld:nwn

LFB:.....Dyck - Prevailing wage on construction projects

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2 that final location.”.

3 **2.** Page 1221, line 24: after that line insert:

4 “**SECTION 2649h.** 103.49 (2m) (b) 1. of the statutes is amended to read:

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22 from the transporting vehicle, without the need to pick up and move the material to  
23 that final location.”.

24 **3.** Page 1666, line 8: after that line insert:

“(7d) PREVAILING WAGE ON HIGHWAY PROJECTS. The treatment of section 103.50 (2m) (b) 1. of the statutes first applies to a laborer, worker, mechanic, or truck driver who is affected by a collective bargaining agreement that contains provisions that are inconsistent with section 103.50 (2m) (b) 1. of the statutes, as affected by this act, on the day on which the agreement expires or is extended, modified, or renewed, whichever occurs first.”.

**4.** Page 1667, line 8: after that line insert:

“(3d) PREVAILING WAGE ON STATE AND MUNICIPAL PROJECTS. The treatment of sections 66.0903 (4) (b) 1. and 103.49 (2m) (b) 1. of the statutes first applies to a laborer, worker, mechanic, or truck driver who is affected by a collective bargaining agreement that contains provisions that are inconsistent with section 66.0903 (4) (b) 1. or 103.49 (2m) (b) 1. of the statutes, as affected by this act, on the day on which the agreement expires or is extended, modified, or renewed, whichever occurs first.”.

(END)